

11 CV. 7990

United States District Court
Southern District of New York

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Ann Burton

Plaintiff,

- against -

Nixon Peabody LLP, Alesia J.
Kantor

Defendants.

Complaint

Jury Trial ☒ Yes ☐ No

I. Parties in this complaint

A.

Plaintiff:

Name: Ann Burton

Street Address: 196-15e 65th Crescent #1B

County, City: Queens, Fresh Meadows

State & Zip Code: New York 11365

Telephone Number: None

B.

Defendant No. 1: Name: Nixon Peabody LLC

Street Address: 50 Jericho Quadrangle

County, City: Suffolk, Jericho

State & Zip Code: New York 11753

Telephone Number: (516) 832-7500

Defendant No. 2: Name: Alesia J. Kantor
Street Address: 50 Tencho Quadrangle
County, City: Suffolk, Tencho
State & Zip Code: New York 11753
Telephone Number: (516) 832-7500

II. Basis for Jurisdiction:

A. What is the basis for federal Court jurisdiction?

☒ Federal Question ☐ Diversity of Citizenship

B. If the basis is for federal Court jurisdiction on question, what is the federal Constitutional, Statutory or treaty rights at issue?

The action arises, not limited to but including violations of plaintiffs Constitutional rights, Amendments 1, IV, and V; Federal Rules of Civil Procedure 26, 30, and 37, and reprisal,

The Southern District of New York is the proper venue for this lawsuit because the cause of action arose in New York County, which is in the Southern District of New York.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of Citizenship of each party?

Non-applicable.

III Statement of Claim

1. July 2011 depts requested 'First Set of Interrogatories, and Request for Production of Documents'; void of date; redundant; unreasonably burdensome and expensive for unemployed pltf; overly broad; irrelevant to depts' clients defense; in depts clients' possession; generated by depts' clients; and failed to comply with Federal Rules; eg: (EX 1) (EX 2); request for pltf's medical records from 2000-present, which is irrelevant to pltf's hire and fire in 2010, and pltf's emotional distress, which resulted from depts actions of wrongful termination in 2010; request for pltf's former employers' reasons for termination.
2. October 17, 2011 Defendants served improper, and fraudulent Notice of Deposition, upon pltf, which maliciously contained false representation and omission of fact; knowledge and belief in its falsity by depts; belief in its truth by pltf; depts intended that statement will be acted upon by pltf; detrimental reliance by pltf, which created an undue burden in pltf's preparation for deposition, and exacerbated pltf's medical condition. (ERS)
3. October 17, 2011 Defendants fraudulent Notice of Deposition stated the identity of the persons conducting the questions

Ex 1

32. All resumes drafted by or for Plaintiff or used by her for any purpose during the period January 1, 2001 to the present.

33. All documents not specifically requested above concerning any of the claims or defenses in this action, including, but not limited to, all documents concerning the subject matter of this action, the injuries claimed in this action, and/or the damages sought in this action.

Dated: July __, 2011
Jericho, New York

NIXON PEABODY LLP

By: Alesia J. Kantor
Alesia J. Kantor

50 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 832-7500
*Attorneys for Defendants
Silvercrest Center for Nursing
and Rehabilitation, Marie Mitchell
and Darlene Weitzman*

Of Counsel:

Tara Eyer Daub, Esq.
Alesia J. Kantor, Esq.

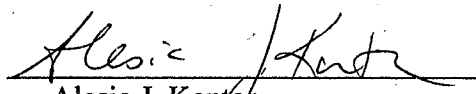
To: Ann Burton
196-15C 65th Crescent #1B
Fresh Meadows, N.Y. 11365
Plaintiff

EX 2

23. Identify each and every document referred to, relied upon or utilized by you in any manner to respond to these Interrogatories.

Dated: July __, 2011
Jericho, New York

NIXON PEABODY LLP

By: 
Alesia J. Kantor

50 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 832-7500

*Attorneys for Defendants
Silvercrest Center for Nursing
and Rehabilitation, Marie Mitchell
and Darlene Weitzman*

Of Counsel:

Tara Eyer Daub, Esq.
Alesia J. Kantor, Esq.

To: Ann Burton
196-15C 65th Crescent #1B
Fresh Meadows, N.Y. 11365
Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
ANN BURTON,

Plaintiff,

- against -

SILVERCREST CENTER FOR NURSING AND
REHABILITATION, MARIE MITCHELL, AND DARLENE
WEITZMAN

Defendants.

EX 3

11-CV-1417

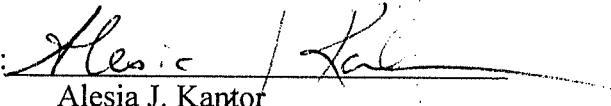
(SLT) (LB)

**SECOND NOTICE OF DEPOSITION
UPON ORAL EXAMINATION**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, defendants Silvercrest Center for Nursing and Rehabilitation, Marie Mitchell and Darlene Weitzman, will take the testimony upon oral examination of plaintiff Ann Burton, before a notary public or a person authorized to administer oaths, at the law offices of Nixon Peabody LLP, 437 Madison Avenue, New York, New York 10022 at 10:00 a.m. on the 31st day of October, 2011. The deposition will continue day-to-day until completed.

Dated: October 17, 2011
Jericho, New York

NIXON PEABODY LLP

By: 
Alesia J. Kantor

50 Jericho Quadrangle, Suite 300
Jericho, New York 11753
(516) 832-7500

Attorneys for Defendants

Of Counsel:

Tara Eyer Daub, Esq.
Alesia J. Kantor, Esq.

at the deposition as Marie Mitchell, Vice President of Nursing and Darlene Wertzman Human Resource Manager, both of whom are Termination officials.

4. October 17, 2011 depts failed to designate the testimony that the party intended to introduce.

5. October 17, 2011 depts demanded pltf to disclose Confidential medical information without an agreed upon Confidentiality agreement in place.

6. October 31, 2011 depts refused to respect pltf's disclosed health emergency, prior to commencement of deposition, and relayed false statements to Judge Bloom, which initiated additional threats and acts of intimidation aided by Judge Bloom's directive to dismiss pltf's complaint, and bifurcate. Despite pltf's life threatening and extenuating circumstances, pltf made a good faith effort to attend the deposition, in part, rather than fail to entirely attend.

7. October 31, 2011 Depts illegally seized pltf's personal property, despite pltf's objection, made it EXB, failed to photocopy, which consisted of pltf's confidential medical information.

8. October 31, 2011, depts' persistently baggered pltf with questions pertaining to pltf's personal property and contents, which wasted valuable time and expense in light of pltf's need to leave at approximately 2 pm.

9. October 31, 2011, depts persistently baggered pltf with questions pertaining to pltf's Confidential medical information in the absence of an agreed Confidentiality Stipulation, which depts denied receipt, and again wasted valuable time and expense.

10. October 31, 2011, depts disrespected pltf's right to object to disclosure of medical information, for which no Confidentiality Stipulation has been agreed, and falsely stated pltf's actions as a refusal to comply to preclude pltf's claims for damages.

11. October 31, 2011 depts questioned pltf's reasons for being terminated, by former employer, and whether I was in possession of the said termination notice from my former employer. This illegal "fishing expedition" is for no other reason that to aid and abet, the said former employers' potential defense in pltf's Civil action, pending.

12. October 31, 2011, depts' persistently bagged pltf with questions irrelevant to pltf's civil actions, against depts' clients, which involves reprisal, discrimination, wrongful termination, and damages, in that depts' asked for information pertaining to pltf's several pending civil actions. Judge Bloom Ordered depts' to re-search the "Public Record" as opposed to wasting valuable and expensive deposition time.

13. October 31, 2011, depts' additional irrelevant depo questions were do I have a computer; what happened to it; the name of my daughter; where does my daughter live; was I ever married; how long was I married and was pltf ever fired before, which again was depts' false pretense for a deposition to aid and abett pltf's former employers potential defense in pending civil actions.

14. October 31, 2011, depts' commenced the depo approximately 10:10 am, followed by a 5 min break, which depts' suggested that I leave my personal property (bag) in the office, and in less than one hour later, at approximately 1:30 pm depts' terminated deposition to break for 30 min. I informed depts' that I will be unable to return.

15. October 31, 2011, depts' acted in bad faith, which was intended to annoy, embarrass, and oppress pltf, with false statements, and inflammatory, derogatory comments, eg: "... has anyone told you that you have a memory problem?"

16. Def'ts subjected pltf to acts of reprisal for pltf's successful Pro Se exercise of rights, based upon Constitutional, Health, and Nursing laws, rules, and guidelines, and nothing but the truth, which will prove, beyond a reasonable doubt, def'ts' clients' guilty of wrongful termination, reprisal, discrimination, defamation of character, and irreparable harm and possibly death.

17. Despite pltf's life threatening health status, and extenuating circumstances, eg: facing eviction for reporting tainted water and violations, insufficient income to meet basic and uninsured medical needs and expenses, pltf has made a good faith effort to afford def'ts the opportunity. Cease and Desist unlawful actions on their own accord, to no avail.

IV. Injuries

1. Def'ts' unlawful misconduct, which violated pltf's Constitutional rights to life, liberty, and property, and to be secure in their persons, papers and effects, is tantamount to the daily illegal home invasions and theft of case documents, from pltf's residence, invalidating def'ts' clients' case. Def'ts' actions exacerbated pltf's pain and suffering, fear, and distress.

V. Relief

1. Pltf seeks sanctions to the fullest extent of the law for blatant corruption and violations of Constitutional Law, Rules of Federal Procedure and pltf's rights.

2. Pltff seeks monetary and defamatory compensation in the amount of \$10,000,000.⁰⁰ dollars for exaerbation of pltffs medical condition and contribution to extenuating circumstances.
3. Pltff seeks punitive damages in the amount of \$5,000,000.⁰⁰ dollars for depts' malicious, intentional and reckless misconduct, which surpassed the legal realm of representation.
4. Pltff seeks any other damages, which the Court deems appropriate.

WHEREFORE, pltff respectfully prap that the Court construes her complaint "so as to do justice" fairly, and uphold pltffs' Constitutional rights.

I declare under the penalty of perjury that the foregoing is true and correct.

Respectfully Submitted
Dun Burtz RN, Pro Se
196-15e 65th Crescent #1B
Fresh Meadows, NY 11365

Dated:
November 1, 2011
VIA CERTIFIED MAIL
RRR# 7011 0110 0001
2619 3007 11/3/11